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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,281	09/15/2000	Winston Donald Keech	A00291 US (98148.12)	2692

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EXAMINER	
SON, LINH L D	

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/663,281	KEECH, WINSTON DONALD	
	Examiner	Art Unit	
	Linh LD Son	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 September 2000*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-13 and 16-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-13 and 16-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is responding to the Amendment filed on 05/09/2005.

2. Claims 1-13 and 16-25 are pending.

Response to Arguments

Applicant's arguments filed on 05/09/05 have been fully considered but they are not persuasive.

As per remark on page 8, Applicant argues that the mask code in Grille technique is a simple overlay. However, Examiner believes that the applicant misinterpreted the implementation of Grille's technique. It is obvious the overlay technique in Grille can not be applicable in the technological art. Nevertheless, for one have ordinary skill in the art at the time of the invention was made would intelligently transform the technique into an electronic operation, such that the Grille overlay can become a string of position number. This string of position number is clearly the mask code that the Applicant is reciting in the claim language.

In response to applicant's argument that "Grille's technique is an overlay", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably

distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

As per remark on page 9, Applicant argues that Bostley teaches away from the present invention. Nevertheless, as recited in the previous rejection in (Col 5 lines 35-65) Bostley clearly discloses a method of authenticating a communication device connecting to a network using mask code and a random number to generate the AUTH for verification with the computer system 103 (Col 5 lines 45-60). It is clearly and obvious for one having ordinary skill in the art at the time of the invention was made to modify Bostley's invention to implement the Grille technique using the string of position number as the mask code to generate an AUTH for identification or verification.

Therefore, the rejection dated 02/09/05 is maintained

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-13 and 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bostley, III et al, US Patent No. 6201871B1, hereinafter "Bostley", in view of Cardano Grilles, hereinafter "Grilles".

5. As per claims 1, 7, 8, and 20, Bostley teaches "A coded identification system, the system comprising an electronic computer, a specific electronic communication device that is operable to be in communication with the electronic computer, and at least one electronic communications device that Is operable to be in communication with the electronic computer, wherein the electronic computer includes data relating to the specific electronic communications device, including a permanent identification code (Col 6 lines 53-57), a mask code and an identification code (SSD) enabling electronic communication between the electronic computer and the specific electronic communication devices" in (Col 3 lines 17-45), and "wherein the permanent identification code is input to the at least one electronic communication device and transmitted to the electronic computer" in (Col 6 lines 47-60), "the electronic computer generates a pseudo-random string and transmits this to the specific electronic communications device, the mask code is applied to the pseudo-random string so as to generate a volatile identification code in accordance with predetermined rules" in (Col 5 lines 35-49), "the volatile identification code is transmitted back to the electronic computer by the specific electronic communications device or the at least one electronic communications

device, the electronic computer checks the volatile identification code transmitted thereto against a volatile identification code obtained by applying the mask code to the pseudo-random string in accordance with the predetermined rules, and in which a positive identification is made when the volatile identification codes are found to match by the electronic computer" in (Col 5 lines 35-65).

However, Bostley does not teach the pseudo-random string comprises a first linear array of characters, each character having a given numerical position in the first array (first, second, third etc.), and wherein the mask code comprises a second linear array of numbers, each number having a given numerical position in the second array (first, second, third etc.), the predetermined rules for applying the mask code to the pseudo-random string so as to generate the volatile identification code being sequentially to select numerical positions in the first array on the basis of the numbers in the second array, taken in positional order, and to return the characters thereby selected from the first array in sequence so as to form a third linear array, this third linear array forming the volatile identification code.

Nevertheless, Grilles teaches a method of deciphering a message called Grilles, which was invented in the 16th century by an Italian mathematician, Girolomo (Jerome) Cardano. Diplomats often used grilles in the 16th and 17th centuries to conceal national secrets. A grille is a square or rectangular piece of cardboard into which openings have been cut at various places. The letters (or words) of a message were written through the "windows", the grille was removed, and the spaces between those letters filled with null letters (or words) to make a false

message. When an identical grille was placed over the coded message, the null letters (or words) were hidden and the true message could be read through the holes. The grille square or rectangular piece is the key which is use to read the message. The grille square piece has numerous holes at a certain location or position on the piece. The message will be read out of those locations of the holes. Further, the Grilles method has no limitation of deciphering only alphabet message. Therefore, it would have been obvious at the time the invention was made for one having ordinary skill in the art to modify Bostley's invention to implement Grilles' message masking method to pass a message secretly from one party to second without being compromised by a third party.

6. As per claims 2, 3, 10, 11, 16, 17, and 18, Bostley, and Grilles disclose a system as claimed in claim 1, wherein the specific electronic communications device and the at least one electronic communications device are the same device (Col 3 lines 45-55, and Col 4 lines 38-40).

7. As per claims 4 and 12, Bostley, and Grilles disclose a system as claimed in claim 1, wherein the specific communications device is a mobile telephone, a pager or a personal digital assistant (Col 3 lines 45-55).

8. As per claims 5, 13, and 19, Sarpola, Grilles, Brandman, and Ala-Laurila disclose a system as claimed in claim 3, wherein the at least one electronic communications device is an EFTPOS terminal or the like (Col 3 lines 45-55).

9. As per claims 9 and 21, Bostley, and Grilles disclose a method according to claim 8, wherein the pseudo-random string contains at least one character that is representative of some condition of the data relating to the person (Col 5 lines 35-40).

10. As per claim 6, Bostley, and Grilles disclose a system as claimed in claim 1, wherein the permanent identification code is supplied in the form of a card bearing human and/or machine-readable indicia (Col 6 lines 53-60, the ESN number can be located on the back of the phone).

11. As per claims 22-25, Claim 1's rejection basis is incorporated. , Bostley, and Grilles disclose a system according to claims 7 and 20. "wherein the user is able to first identify to the host the position of the representative character in the pseudorandom string, and secondly identity to the host the meaning of the representative character in the pseudorandom string" is taught by Grilles on (page 1-3).

Conclusion

Any inquiry concerning this communication from the examiner should be directed to Linh Son whose telephone number is (571)-272-3856.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Kim Y. Vu can be reached at (571)-272-3859. The fax numbers for this group are (703)-872-9306 (official fax). Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval IPAIR.I system. Status information for published applications may be obtained from either Private PMR or Public PMR. Status information for unpublished applications is available through Private PMR only. For more information about the PAIR system, see http://pzr-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Linh LD Son

Patent Examiner

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